

Original

1 Edward R. Hugo [Bar No. 124839]  
 2 James C. Parker [Bar No. 106149]  
 3 Thomas J. Moses [Bar No. 116002]  
 4 BRYDON HUGO & PARKER  
 5 135 Main Street, 20<sup>th</sup> Floor  
 6 San Francisco, CA 94105  
 Telephone: (415) 808-0300  
 Facsimile: (415) 808-0333  
 7  
 8 Attorneys for Defendant  
 9 FOSTER WHEELER LLC

FILED  
 08 AUG 26 AM 11:15  
 RICHARD W. BROWN, CLERK  
 U.S. DISTRICT COURT  
 NORTHERN CALIFORNIA  
 08/26/2008  
 10:15 AM  
 11:15 AM

10 IN RE: ASBESTOS PRODUCTS LIABILITY  
 11 LITIGATION

12 NO VI

MDL 875

13 This Document Relates To:

E-filing

14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

MEJ

17  
 18 CARSON PRIDDY AND PATRICIA  
 19 PRIDDY,

20 Plaintiffs,

21 vs.

22 A.W. CHESTERTON COMPANY;  
 23 ALLIED PACKING & SUPPLY, INC.;  
 24 ALLIS CHALMERS CORPORATION  
 25 PRODUCT LIABILITY TRUST;  
 26 AMERICAN STANDARD, INC.  
 27 INDIVIDUALLY AND AS SUCCESSOR  
 28 INTEREST TO KEWANEE BOILER  
 CORPORATION; ARMSTRONG  
 INTERNATIONAL, INC.; ASBESTOS  
 CORPORATION, LTD.; BUFFALO  
 PUMPS, INC.; CRANE CO.,  
 INDIVIDUALLY AND AS SUCCESSOR-  
 IN-INTEREST TO CHAPMAN VALVE

CV

08  
 (ASBESTOS)

4070

U.S.D.C. Case No. \_\_\_\_\_

Alameda County Superior Court Case No.  
 RG08399767

DEFENDANT FOSTER WHEELER LLC'S  
 NOTICE OF TAG-ALONG ACTION

1 CO.; CROWN, CORK & SEAL,  
2 INDIVIDUALLY AND AS SUCCESSOR-  
3 IN-INTEREST TO MUNDET CORK;  
4 DURABLA MANUFACTURING  
5 COMPANY; ELLIOTT COMPANY  
6 FORMERLY KNOWN AS ELLIOTT  
7 COMPANY FORMERLY KNOWN AS  
8 ELLIOTT TURBOMACHINERY CO.,  
9 INC.; FMC CORPORATION,  
10 INDIVIDUALLY AND AS SUCCESSOR-  
11 IN-INTEREST TO NORTHERN PUMP  
12 COMPANY; FOSTER WHEELER LLC;  
13 GARDNER DENVER, INC.; GARLOCK  
14 SEALING TECHNOLOGIES LLC,  
15 INDIVIDUALLY AND AS SUCCESSOR-  
16 IN-INTEREST TO GARLOCK, INC.;  
17 GENERAL ELECTRIC COMPANY;  
18 GEORGIA-PACIFIC CORPORATION;  
19 GOULDS PUMPS, INCORPORATED;  
20 IMO INDUSTRIES, INC. FORMERLY  
21 KNOWN AS IMO DELAVAL INC.;  
22 INGERSOLL-RAND COMPANY;  
23 KAISER GYPSUM COMPANY, INC.;  
24 LESLIE CONTROLS, INC.; LAMONS  
25 GASKET COMPANY; OAKFABCO, INC  
26 INDIVIDUALLY AND AS SUCCESSOR-  
27 IN-INTEREST TO AND/OR FKA  
28 AND/OR FDBA KEWANEE BOILER  
CORPORATION; OWENS-ILLINOIS  
INC.; PARKER-HANNIFIN  
CORPORATION, INDIVIDUALLY AND  
AS SUCCESSOR-IN-INTEREST TO  
SACOMO SIERRA AND SACOMO  
MANUFACTURING COMPANY; PCC  
FLOW TECHNOLOGIES L.P.,  
INDIVIDUALLY AND AS SUCCESSOR-  
IN-INTEREST TO PACIFIC PUMP;  
PLANT INSULATION COMPANY;  
RAPID AMERICAN CORP.  
INDIVIDUALLY AND AS SUCCESSOR  
IN INTEREST TO PHILIP CAREY  
MANUFACTURING CORP.; RILEY  
POWER INC., FORMERLY KNOWN AS  
RILEY STOKER CORPORATION AND  
DB RILEY, INC.; SEPCO  
CORPORATION; SOCO-WEST, INC.  
FKA BRENNTAG WEST, INC. FKA  
SOCO-LYNCH CORPORATION,  
INDIVIDUALLY AND AS SUCCESSOR-  
IN-INTEREST TO WESTERN  
CHEMICAL & MANUFACTURING  
COMPANY; SUPERIOR BOILER  
WORKS, INC.; THE GOODYEAR TIRE &  
RUBBER COMPANY; UNION CARBIDE  
CORPORATION; UNIROYAL, INC.;

1 VIACOM, INC. AS SUCCESSOR-BY-  
 2 MERGER TO CBS CORPORATION FKA  
 3 WESTINGHOUSE ELECTRIC  
 4 CORPORATION; WARREN PUMPS,  
 5 LLC; YARWAY CORPORATION; ZURN  
 6 INDUSTRIES, LLC. INDIVIDUALLY  
 7 AND AS SUCCESSOR-IN-INTEREST TO  
 8 ZURN INDUSTRIES, INC., ERIE CITY  
 9 IRON WORKS AND KEYSTONE  
 10 BOILER AND THE FIRST DOE  
 11 THROUGH THREE HUNDREDTH  
 12 DOES, INCLUSIVE,

13 Defendants.

14 **TO THE CLERK OF THE COURT, PLEASE TAKE NOTICE OF THE FOLLOWING:**

15 1. On July 29, 1991, the Judicial Panel on Multidistrict Litigation entered an  
 16 order transferring all asbestos cases pending in federal court to the United States District  
 17 Court, Eastern District of Pennsylvania, for coordination pretrial proceedings pursuant to  
 18 28 U.S.C. § 1407 ("MDL Transfer Order"). That order also applies to "tag-along actions,"  
 19 or actions involving common questions of fact filed after the January 17, 1991, filing of  
 20 the Panel's Order to Show Cause. MDL Rule 13(e) provides:

21 Any party of counsel in actions previously transferred under  
 22 section 1407 or under consideration by the Panel for transfer under  
 23 section 1407 shall promptly notify the Clerk of the Panel of any  
 24 potential "tag-along actions" in which that party is also named or  
 25 in which that counsel appears.

26 2. The undersigned hereby notifies the court that this state court action being  
 27 removed (a copy of the removed state court complaint is attached hereto as Exhibit "A")  
 28 is a potential "tag-along action" which is subject to transfer to the Eastern District of  
 Pennsylvania. The Clerk of the Panel may either (1) enter a conditional transfer order  
 pursuant to MDL Rule 12(a), or (2) file an order to show cause why the action should not  
 be transferred, pursuant to MSL Rule 13(b).

29 Defendant FOSTER WHEELER LLC is providing written notice of this Notice of  
 30 Tag-Along Action to all adverse parties. Defendant FOSTER WHEELER LLC reserves

1 the right to amend or supplement this Notice of Tag-Along Action.  
2  
3

4 Date: August 26, 2008  
5  
6

BRYDON HUGO & PARKER

7 By:   
8  
9

10 Edward R. Hugo  
11 James C. Parker  
12 Thomas J. Moses  
13 Attorneys for Defendant  
14 FOSTER WHEELER LLC  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

A. W. CHESTERTON COMPANY;  
[SEE ATTACHMENT FOR ADDITIONAL DEFENDANTS]

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
CARSON PRIDDY AND PATRICIA PRIDDY

SUM-100

ENGLISH  
SOLICITUD DE LA CORTE  
FILED  
ALAMEDA COUNTY  
2008 JUL 23 PM 2:23  
CLERK OF THE SUPERIOR COURT  
BY DOROTHY L. LEE, DEPUTY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
1225 FALLON STREET

OAKLAND, CA 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
JEFFREY A. KAISER (SBN 160594) (415) 646-7160 415-981-1270  
LEVIN SIMES KAISER & GORNICK, LLP

44 MONTGOMERY STREET, 36H FLOOR  
SAN FRANCISCO, CA 94104

DATE: JUL 23 2008

(Fecha)

Clerk, by DOROTHY L. LEE, Deputy  
(Secretario) (Adjunto)PAT S. SWEETEN

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

[SEAL]

1.  as an individual defendant.  
2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify): FOSTER WHEELER, LLC

under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):

4.  by personal delivery on (date):

Page 1 of 1

1 Attachment to Summons

2 **CARSON PRIDDY AND PATRICIA PRIDDY,** ) No.  
3 )  
4 **PLAINTIFFS,** )  
5 **VS.** )  
6 **A. W. CHESTERTON COMPANY;** )  
7 **ALLIED PACKING & SUPPLY, INC.;** )  
8 **ALLIS CHALMERS CORPORATION PRODUCT** )  
9 **LIABILITY TRUST;** )  
10 **AMERICAN STANDARD, INC. INDIVIDUALLY AND** )  
11 **AS SUCCESSOR INTEREST TO KEWANEE BOILER** )  
12 **CORPORATION;** )  
13 **ARMSTRONG INTERNATIONAL, INC.;** )  
14 **ASBESTOS CORPORATION, LTD.;** )  
15 **BUFFALO PUMPS, INC.;** )  
16 **CRANE CO., INDIVIDUALLY AND AS SUCCESSOR-** )  
17 **IN-INTEREST TO CHAPMAN VALVE CO.;** )  
18 **CROWN, CORK & SEAL, INDIVIDUALLY AND AS** )  
19 **SUCCESSOR-IN-INTEREST TO MUNDET CORK;** )  
20 **DURABLA MANUFACTURING COMPANY;** )  
21 **ELLIOTT COMPANY FORMERLY KNOWN AS** )  
22 **ELLIOTT TURBOMACHINERY CO., INC.;** )  
23 **FMC CORPORATION, INDIVIDUALLY AND AS** )  
24 **SUCCESSOR-IN-INTEREST TO NORTHERN PUMP** )  
25 **COMPANY;** )  
26 **FOSTER WHEELER, LLC;** )  
27 **GARDNER DENVER, INC.;** )  
28 **GARLOCK SEALING TECHNOLOGIES LLC,** )  
INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST )  
TO GARLOCK, INC.; )  
GENERAL ELECTRIC COMPANY; )  
GEORGIA-PACIFIC CORPORATION; )  
GOULDS PUMPS, INCORPORATED; )  
IMO INDUSTRIES, INC. FORMERLY KNOWN AS )  
IMO DELAVAL INC.; )  
INGERSOLL-RAND COMPANY; )  
KAISER GYPSUM COMPANY, INC.; )  
LESLIE CONTROLS, INC.; )  
LAMONS GASKET COMPANY; )  
OAKFABCO, INC INDIVIDUALLY AND AS )  
SUCCESSOR-IN-INTEREST TO AND/OR FKA )  
AND/OR FDBA KEWANEE BOILER CORPORATION; )  
OWENS-ILLINOIS INC.; )  
PARKER-HANNIFIN CORPORATION, )

1       **INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST      )**  
2       **TO SACOMO SIERRA AND SACOMO                      )**  
3       **MANUFACTURING COMPANY;                              )**  
4       **PCC FLOW TECHNOLOGIES L.P., INDIVIDUALLY        )**  
5       **AND AS SUCCESSOR-IN-INTEREST TO PACIFIC        )**  
6       **PUMP;    )**  
7       **PLANT INSULATION COMPANY;                        )**  
8       **RAPID AMERICAN CORP. INDIVIDUALLY AND AS      )**  
9       **SUCCESSOR IN INTEREST TO PHILIP CAREY        )**  
10      **MANUFACTURING CORP.;                                )**  
11      **RILEY POWER INC., FORMERLY KNOWN AS RILEY      )**  
12      **STOKER CORPORATION AND DB RILEY, INC.;        )**  
13      **SEPCO CORPORATION;                                )**  
14      **SOCO-WEST, INC. FKA BRENNTAG WEST, INC. FKA    )**  
15      **SOCO-LYNCH CORPORATION, INDIVIDUALLY AND      )**  
16      **AS SUCCESSOR-IN-INTEREST TO WESTERN            )**  
17      **CHEMICAL & MANUFACTURING COMPANY;            )**  
18      **SUPERIOR BOILER WORKS, INC.;                    )**  
19      **THE GOODYEAR TIRE & RUBBER COMPANY;        )**  
20      **UNION CARBIDE CORPORATION;                        )**  
21      **UNIROYAL, INC.;                                    )**  
22      **VIACOM, INC. AS SUCCESSOR-BY-MERGER TO CBS    )**  
23      **CORPORATION FKA WESTINGHOUSE ELECTRIC    )**  
24      **CORPORATION;                                        )**  
25      **WARREN PUMPS, LLC;                                )**  
26      **YARWAY CORPORATION;                                )**  
27      **ZURN INDUSTRIES, LLC. INDIVIDUALLY AND AS    )**  
28      **SUCCESSOR-IN-INTEREST TO ZURN INDUSTRIES,    )**  
      **INC., ERIE CITY IRON WORKS AND KEYSTONE    )**  
      **BOILER AND THE FIRST DOE THROUGH THREE    )**  
      **HUNDREDTH DOE, INCLUSIVE,                        )**  
      **DEFENDANTS.                                        )**

1 JEFFREY A. KAISER, ESQ. [SBN 160594]  
 2 T. SCOTT HAMES, ESQ. [SBN 197574]  
 3 **LEVIN SIMES KAISER & GORNICK, LLP**  
 4 44 MONTGOMERY STREET, 36<sup>TH</sup> FLOOR  
 5 SAN FRANCISCO, CALIFORNIA 94104  
 6 TELEPHONE (415) 646-7160  
 7 FACSIMILE (415) 981-1270

8 ATTORNEYS FOR PLAINTIFFS  
 9 CARSON PRIDDY AND PATRICIA PRIDDY

ENDORSED  
 FILED  
 ALAMEDA COUNTY

2008 JUL 23 PM 2:23

CLERK OF THE SUPERIOR COURT  
 BY DOROTHY L. LEE, DEPUTY

# 8/8/08  
 10011902

10  
 11 SUPERIOR COURT OF CALIFORNIA  
 12 COUNTY OF ALAMEDA  
 13 (UNLIMITED JURISDICTION)

14 CARSON PRIDDY AND PATRICIA PRIDDY,

15 PLAINTIFFS,

16 VS.

17 RG 08 - 399767

18 COMPLAINT FOR  
 19 DAMAGES

20 NEGLIGENCE,  
 21 STRICT LIABILITY,  
 22 PUNITIVE DAMAGES,  
 23 LOSS OF CONSORTIUM,  
 24 (ASBESTOS)

25 A. W. CHESTERTON COMPANY;  
 26 ALLIED PACKING & SUPPLY, INC.;  
 27 ALLIS CHALMERS CORPORATION PRODUCT  
 LIABILITY TRUST;  
 28 AMERICAN STANDARD, INC. INDIVIDUALLY AND  
 AS SUCCESSOR INTEREST TO KEWANEE BOILER  
 CORPORATION;  
 ARMSTRONG INTERNATIONAL, INC.;  
 ASBESTOS CORPORATION, LTD.;  
 BUFFALO PUMPS, INC.;  
 CRANE CO., INDIVIDUALLY AND AS SUCCESSOR-  
 IN-INTEREST TO CHAPMAN VALVE CO.;  
 CROWN, CORK & SEAL, INDIVIDUALLY AND AS  
 SUCCESSOR-IN-INTEREST TO MUNDET CORK;  
 DURABLA MANUFACTURING COMPANY;  
 ELLIOTT COMPANY FORMERLY KNOWN AS  
 ELLIOTT TURBOMACHINERY CO., INC.;  
 FMC CORPORATION, INDIVIDUALLY AND AS  
 SUCCESSOR-IN-INTEREST TO NORTHERN PUMP  
 COMPANY;  
 FOSTER WHEELER, LLC;  
 GARDNER DENVER, INC.;  
 GARLOCK SEALING TECHNOLOGIES LLC,  
 INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST  
 TO GARLOCK, INC.;

1 GENERAL ELECTRIC COMPANY;  
2 GEORGIA-PACIFIC CORPORATION;  
3 GOULDS PUMPS, INCORPORATED;  
4 IMO INDUSTRIES, INC. FORMERLY KNOWN AS  
IMO DELAVAL INC.;  
5 INGERSOLL-RAND COMPANY;  
6 KAISER GYPSUM COMPANY, INC.;  
7 LESLIE CONTROLS, INC.;  
8 LAMONS GASKET COMPANY;  
9 OAKFABCO, INC INDIVIDUALLY AND AS  
10 SUCCESSOR-IN-INTEREST TO AND/OR FKA  
11 AND/OR FDBA KEWANEE BOILER CORPORATION;  
12 OWENS-ILLINOIS INC.;  
13 PARKER-HANNIFIN CORPORATION,  
14 INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST  
15 TO SACOMO SIERRA AND SACOMO  
16 MANUFACTURING COMPANY;  
17 PCC FLOW TECHNOLOGIES L.P., INDIVIDUALLY  
18 AND AS SUCCESSOR-IN-INTEREST TO PACIFIC  
19 PUMP;  
20 PLANT INSULATION COMPANY;  
21 RAPID AMERICAN CORP. INDIVIDUALLY AND AS  
22 SUCCESSOR IN INTEREST TO PHILIP CAREY  
23 MANUFACTURING CORP.;  
24 RILEY POWER INC., FORMERLY KNOWN AS RILEY  
25 STOKER CORPORATION AND DB RILEY, INC.;  
26 SEPCO CORPORATION;  
27 SOCO-WEST, INC. FKA BRENNTAG WEST, INC. FKA  
28 SOCO-LYNCH CORPORATION, INDIVIDUALLY AND  
AS SUCCESSOR-IN-INTEREST TO WESTERN  
CHEMICAL & MANUFACTURING COMPANY;  
SUPERIOR BOILER WORKS, INC.;  
THE GOODYEAR TIRE & RUBBER COMPANY;  
UNION CARBIDE CORPORATION;  
UNIROYAL, INC.;  
VIACOM, INC. AS SUCCESSOR-BY-MERGER TO CBS  
CORPORATION FKA WESTINGHOUSE ELECTRIC  
CORPORATION;  
WARREN PUMPS, LLC;  
YARWAY CORPORATION;  
ZURN INDUSTRIES, LLC. INDIVIDUALLY AND AS  
SUCCESSOR-IN-INTEREST TO ZURN INDUSTRIES,  
INC., ERIE CITY IRON WORKS AND KEYSTONE  
BOILER AND THE FIRST DOE THROUGH THREE  
HUNDREDTH DOE, INCLUSIVE,

## **GENERAL ALLEGATIONS**

1. The true names and capacities, whether individual, corporate, associate, governmental or otherwise, of defendants FIRST DOE through THREE HUNDREDTH DOE, inclusive, are unknown to Plaintiffs at this time, who therefore sue said defendants by such fictitious names. When the true names and capacities of said defendants have been ascertained, Plaintiff will amend this complaint accordingly. Plaintiffs are informed and believe, and thereon allege, that each defendant designated herein as a DOE is responsible, negligently or in some other actionable manner, for the events and happenings hereinafter referred to, and caused injuries and damages proximately thereby to the Plaintiffs, as hereinafter alleged.

2. At all times herein mentioned, each of the defendants, except as otherwise alleged, was the agent, servant, employee and/or joint venturer of the other defendants, and each of them, and at all said times, each defendant was acting in the full course and scope of said agency, service, employment and/or joint venture. Plaintiffs do not allege that Asbestos Corporation Ltd. was the agent, servant, employee and/or joint venturer of any entity during any of the years Asbestos Corporation Ltd. was owned by any governmental agency. Certain defendants agreed and conspired among themselves, and with certain other individuals and/or entities, to act, or not to act, in such a manner that resulted in injury to the Plaintiff, CARSON PRIDDY; and such defendants, as co-conspirators, are liable for the acts, or failures to act, of other conspiring defendants. Plaintiffs do not allege that Asbestos Corporation Ltd. conspired with any entity during any of the years Asbestos Corporation Ltd. was owned by any governmental agency.

3. Plaintiffs are informed and believe, and thereon allege, that at all times herein mentioned, defendants, **A. W. CHESTERTON COMPANY; ALLIED PACKING & SUPPLY, INC.; ALLIS CHALMERS CORPORATION PRODUCT LIABILITY TRUST; AMERICAN STANDARD, INC. INDIVIDUALLY AND AS SUCCESSOR INTEREST TO**

1 KEWANEE BOILER CORPORATION; ARMSTRONG INTERNATIONAL, INC.;  
2 ASBESTOS CORPORATION, LTD.; BUFFALO PUMPS, INC.; CRANE CO.,  
3 INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO CHAPMAN VALVE CO.;  
4 CROWN, CORK & SEAL, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO  
5 MUNDET CORK; DURABLA MANUFACTURING COMPANY; ELLIOTT COMPANY  
6 FORMERLY KNOWN AS ELLIOTT TURBOMACHINERY CO., INC.; FMC  
7 CORPORATION, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO  
8 NORTHERN PUMP COMPANY; FOSTER WHEELER, LLC; GARDNER DENVER,  
9 INC.; GARLOCK SEALING TECHNOLOGIES LLC, INDIVIDUALLY AND AS  
10 SUCCESSOR-IN-INTEREST TO GARLOCK, INC.; GENERAL ELECTRIC  
11 COMPANY; GEORGIA-PACIFIC CORPORATION; GOULDS PUMPS,  
12 INCORPORATED; IMO INDUSTRIES, INC. FORMERLY KNOWN AS IMO DELAVAL  
13 INC.; INGERSOLL-RAND COMPANY; KAISER GYPSUM COMPANY, INC.;  
14 LESLIE CONTROLS, INC.; LAMONS GASKET COMPANY; OAKFABCO, INC  
15 INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO AND/OR FKA AND/OR  
16 FDBA KEWANEE BOILER CORPORATION; OWENS-ILLINOIS INC.; PARKER-  
17 HANNIFIN CORPORATION, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST  
18 TO SACOMO SIERRA AND SACOMO MANUFACTURING COMPANY;  
19 PCC FLOW TECHNOLOGIES L.P., INDIVIDUALLY AND AS SUCCESSOR-IN-  
20 INTEREST TO PACIFIC PUMP; PLANT INSULATION COMPANY; RAPID  
21 AMERICAN CORP. INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO PHILIP  
22 CAREY MANUFACTURING CORP.; RILEY POWER INC., FORMERLY KNOWN AS  
23 RILEY STOKER CORPORATION AND DB RILEY, INC.; SEPCO CORPORATION;  
24 SOCO-WEST, INC. FKA BRENNTAG WEST, INC. FKA SOCO-LYNCH  
25  
26  
27  
28

1           **CORPORATION, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO**  
2           **WESTERN CHEMICAL & MANUFACTURING COMPANY; SUPERIOR BOILER**  
3           **WORKS, INC.; THE GOODYEAR TIRE & RUBBER COMPANY; UNION CARBIDE**  
4           **CORPORATION; UNIROYAL, INC.; VIACOM, INC. AS SUCCESSOR-BY-MERGER**  
5           **TO CBS CORPORATION FKA WESTINGHOUSE ELECTRIC CORPORATION;**  
6           **WARREN PUMPS, LLC; YARWAY CORPORATION; ZURN INDUSTRIES, LLC.**  
7           **INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO ZURN INDUSTRIES, INC.,**  
8           **ERIE CITY IRON WORKS AND KEYSTONE BOILER AND THE FIRST DOE**  
9           **THROUGH THREE HUNDREDTH DOE**, inclusive, are corporations organized and existing  
10          under and by virtue of the laws of the State of California, or the laws of some state or foreign  
11          jurisdiction, and that said defendants were and are authorized to do and are doing business in the  
12          State of California, and that said defendants have regularly conducted business in the County of  
13          Alameda, State of California. The defendants identified in this paragraph are collectively  
14          hereinafter referred to as "**ASBESTOS DEFENDANTS**."

17          4.        At all times herein mentioned, each of the **ASBESTOS DEFENDANTS** was the  
18          successor, successor in business, successor in product line or a portion thereof, parent, subsidiary,  
19          wholly or partially owned by, or the whole or partial owner of or member in an entity researching,  
20          studying, manufacturers, fabricating, designing, labeling, assembling, distributing, leasing, buying,  
21          offering for sale, selling, inspecting, servicing, installing, contracting for installation, repairing,  
22          marketing, warranting, rebranding, handling, modifying, scraping, disturbing, manufacturing for  
23          others, packaging and/or advertising a certain substance the generic name for which is asbestos,  
24          and other products containing said substance. Said entities shall hereinafter collectively be called  
25          "alternate entities". Each of the herein named **ASBESTOS DEFENDANTS** are liable for the  
26          tortuous conduct of each successor, successor in business, successor in product line or a portion

1 thereof, assign, predecessor, predecessor in business, predecessor in product line or a portion  
 2 thereof, parent, subsidiary, alter-ego, whole or partial owner, or wholly or partially owned entity,  
 3 or entity that it as a member of, or funded, that researched, studied, manufactured, fabricated,  
 4 designed, labeled, assembled, distributed, leased, bought, offered for sale, sold, inspected,  
 5 serviced, installed, contracted for installation, repaired, marketed, warranted, rebranded,  
 6 manufactured for others and advertised a certain substance, the generic name of which is asbestos,  
 7 and other products containing said substance. The following **ASBESTOS DEFENDANTS**, and  
 8 each of them, are liable for the acts of each and every "alternate entity", and each of them, in that  
 9 there has been a virtual destruction of Plaintiffs remedy against each such "alternate entity";  
 10 **ASBESTOS DEFENDANTS**, and each of them, have acquired the assets, product line, or  
 11 apportion thereof, of each such "alternate entity"; **ASBESTOS DEFENDANTS**, and each of  
 12 them, caused the destruction of Plaintiffs remedy against each such "alternate entity"; each such  
 13 **ASBESTOS DEFENDANTS** has the ability to assume the risk-spreading role of each such  
 14 "alternate entity"; and that each such **ASBESTOS DEFENDANTS** enjoys the goodwill originally  
 15 attached to each such "alternate entity".

18

DEFENDANTALTERNATE ENTITY

19

20 AMERICAN STANDARD, INC.	KEWANEE BOILER CORPORATION
21 CRANE CO.	CHAPMAN VALVE CO.
22 CROWN, CORK & SEAL	MUNDET CORK
23 ELLIOTT COMPANY	ELLIOTT TURBOMACHINERY CO., INC
24 FMC CORPORATION	NORTHERN PUMP COMPANY
25 GARLOCK SEALING TECHNOLOGIES LLC	GARLOCK, INC.
26 IMO INDUSTRIES, INC.	IMO DELAVAL INC.

1	OAKFABCO, INC	KEWANEE BOILER CORPORATION
2	PARKER-HANNIFIN CORPORATION	SACOMO SIERRA AND SACOMO MANUFACTURING COMPANY
3	PCC FLOW TECHNOLOGIES L.P.	PACIFIC PUMP
4	RAPID AMERICAN CORP.	PHILIP CAREY MANUFACTURING CORP.
5	RILEY POWER INC.	RILEY STOKER CORPORATION AND DB RILEY, INC.
6	SOCO-WEST, INC.	BRENNETAG WEST, INC. FKA SOCO- LYNCH CORPORATION, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO WESTERN CHEMICAL & MANUFACTURING COMPANY
7	VIACOM, INC.	CBS CORPORATION FKA WESTINGHOUSE ELECTRIC CORPORATION
8	ZURN INDUSTRIES, LLC.	ZURN INDUSTRIES, INC., ERIE CITY IRON WORKS AND KEYSTONE BOILER

16

17 **FIRST CAUSE OF ACTION-NEGLIGENCE**

18 **(Personal Injuries)**

19 PLAINTIFF CARSON PRIDDY COMPLAINS OF DEFENDANTS, AND EACH OF  
20 THEM AND FOR A CAUSE OF ACTION FOR NEGLIGENCE (PERSONAL INJURIES)  
21 ALLEGES:

22 5. Plaintiff realleges and incorporates herein by reference each of the proceeding  
23 paragraphs of this Complaint.

24 6. Plaintiff CARSON PRIDDY alleges occupational exposure to asbestos, at jobsites  
25 which include but are not limited to the following: Plaintiff Carson Priddy alleges exposure to  
26 asbestos while serving in the United States Navy from 1954 to 1958 while aboard the USS  
27

1 FORMOE, USS SEIVERLING and USS O'BRIEN; in San Francisco and San Diego California.  
2 While in the Navy, Plaintiff alleges exposure to asbestos from his work with and around pumps,  
3 valves, gaskets, turbines and other products made, distributed, designed, sold, disturbed, supplied,  
4 assembled, installed and/or removed by defendants herein. Plaintiff also alleges exposure while  
5 employed at Consumer Cooperative Refinery in Coffeyville, KS from 1958 to 1991 from his work  
6 with and around asbestos containing products made, distributed, designed, sold, disturbed,  
7 handled, assembled, installed, supplied and/or removed by defendants herein.  
8

9       7. At all times herein mentioned, the **ASBESTOS DEFENDANTS** and each of them  
10 were engaged in the business of manufacturing, fabricating, designing, assembling, distributing,  
11 leasing, buying, selling, inspecting, servicing, repairing, distributing, modifying, handling,  
12 installing, contracting to install, removing, contracting to remove, disturbing, cutting, grinding,  
13 scraping, marketing, warranting and/or advertising a certain substance, the generic name of which  
14 is asbestos, and/or other products containing said substance, or are engaged in the business of  
15 manufacturing, fabricating, designing, assembling, distributing, selling, and marketing of safety  
16 equipment, including respiratory protective devices which were intended to block the entry of  
17 asbestos fibers into the bodies of workers who were exposed to asbestos in the workplace and  
18 other locations.  
19

20       8. At all times herein mentioned, the **ASBESTOS DEFENDANTS**, and each of them,  
21 singularly and jointly, negligently and carelessly researched, tested or failed to test, warned or  
22 failed to warn, manufactured and/or caused to be manufactured, designed, developed, distributed,  
23 supplied, removed, abated, tore out, drilled, dug out, threw away, discarded, swept up, labeled,  
24 advertised, marketed, warranted, inspected, repaired, installed, scraped, cut, ground, distributed,  
25 handled, fabricated, assembled, modified, serviced, and/or sold a certain substance, the generic  
26 name of which is asbestos, and/or other products containing said substance, and said substance  
27  
28

1 was capable of causing and did, in fact, proximately cause personal injuries to users, consumers,  
2 workers and others, while being used in a manner reasonably foreseeable, thereby rendering said  
3 substances unsafe and dangerous for use by the consumers, users, bystanders or workers exposed  
4 thereto;

5 9. At all times herein mentioned, the **ASBESTOS DEFENDANTS**, and each of them  
6 manufactured, distributed, sold and/or designed products to be used with asbestos, and/or other  
7 products containing said substance. Each ASBESTOS DEFENDANT manufactured, distributed,  
8 sold and/or designed products in such a manner that it required the regular replacement of asbestos  
9 and/or other materials containing asbestos. Moreover, each ASBESTOS DEFENDANT  
10 defectively designed, sold, manufactured and/or distributed products which caused the degradation  
11 of integrated asbestos-containing products, which contributed to Plaintiff's development of  
12 mesothelioma. This being so, even despite the fact that alternative feasible designs were available  
13 that would not cause degradation and release of asbestos fibers from the original and replacements  
14 asbestos materials to the same extent as the design chosen by **ASBESTOS DEFENDANTS**.  
15

16 10. It was foreseeable to each ASBESTOS DEFENDANT that the original asbestos and  
17 other materials containing asbestos would be removed and replaced with new asbestos and/or  
18 other materials containing asbestos during ordinary operation and maintenance. Indeed, during the  
19 time period in question, most if not all, replacement materials were comprised of asbestos. The  
20 operation, use and repair of each of the **ASBESTOS DEFENDANTS** products would affect both  
21 the original and replacement asbestos and other products containing asbestos by making them  
22 brittle, friable and not reusable. It was foreseeable to each ASBESTOS DEFENDANT that the  
23 process of removing asbestos materials incorporated into their products and replacing them with  
24 new asbestos materials during ordinary repair and maintenance would disturb asbestos and result  
25 in the release of asbestos fibers into the air, thereby exposing Plaintiff, other workers and  
26  
27  
28

1 bystanders. EACH ASBESTOS DEFENDANT failed to warn Plaintiff, other workers and  
2 bystanders of the risks inherent in the replacement of asbestos containing parts and failed to warn  
3 Plaintiff, other workers and bystanders that their product was designed to make asbestos friable.  
4

5 11. Plaintiff herein is a worker who for or during a substantial length of time used,  
6 handled or has been otherwise exposed to the asbestos and asbestos products referred to herein in a  
7 manner that was reasonably foreseeable.

8 12. As a direct and proximate result of the conduct of the **ASBESTOS**  
9 **DEFENDANTS**, and each of them, as aforesaid, the exposure to asbestos caused severe and  
10 permanent malignant injuries to the Plaintiff, including, but not limited to, mesothelioma and other  
11 lung damage.  
12

13 13. Plaintiff is informed and believes, and thereon alleges, that mesothelioma is a  
14 progressive lung disease caused by inhalation of asbestos fibers without perceptible trauma and  
15 that said disease results from exposure to asbestos and asbestos products over a period of time.  
16

17 14. Plaintiff presently believes that he suffers from a medical condition known as  
18 mesothelioma, a lung disease related to the exposure to asbestos. Plaintiff was not aware that  
19 exposure to asbestos presented any risk of injury and/or disease to him, and had not been advised  
20 or informed by anyone that he could contract any disease, sickness or injury as a result of working  
21 in the vicinity of asbestos.  
22

23 15. As a direct and proximate result of the aforesaid conduct of **ASBESTOS**  
24 **DEFENDANTS**, and each of them, Plaintiff is dying and has suffered, and continues to suffer  
25 permanent malignant and non-malignant injuries to his person, body and health, including but not  
26 limited to mesothelioma, other lung damage, all to his general damages in a sum invoking the  
27 unlimited jurisdiction of the Court.  
28

16. As a direct and proximate result of the aforesaid conduct of the **ASBESTOS**

1 **DEFENDANTS**, and each of them, Plaintiff has incurred, is presently incurring and will incur in  
2 the future, liability for physicians, surgeons, nurses, hospital care, medicine, hospitals, x-rays and  
3 other medical treatment, the true and exact amount thereof being unknown to Plaintiff at this time,  
4 and Plaintiff prays leave to amend this Complaint accordingly when the true and exact cost thereof  
5 is ascertained.  
6

7 17. Plaintiff CARSON PRIDDY has lost pre-judgment interest pursuant to Civil Code  
8 Section 3288, the exact amount of which Plaintiff prays leave to insert herein when finally  
9 ascertained.

10 18. In researching, testing, manufacturing, distributing, labeling, and marketing said  
11 products, **ASBESTOS DEFENDANTS** in this cause of action named, and each of them, did so  
12 with conscious disregard for the safety of the users of said products, in that **ASBESTOS**  
13 **DEFENDANTS** had specific prior knowledge that there was a high risk of injury or death  
14 resulting from exposure to asbestos or asbestos products, including but not limited to  
15 mesothelioma. Said knowledge was obtained, in part, from scientific studies, government data,  
16 and medical data to which **ASBESTOS DEFENDANTS** had access, as well as scientific studies  
17 performed by, at the request of, or with the assistance of, said **ASBESTOS DEFENDANTS**, and  
18 which knowledge was obtained by said **ASBESTOS DEFENDANTS** on or before 1933, and  
19 thereafter.  
20

22 19. On or before 1933, and thereafter, said **ASBESTOS DEFENDANTS** were aware  
23 that users of asbestos and asbestos products, as well as members of the general public who would  
24 be exposed to asbestos and asbestos products, had no knowledge or information indicating that  
25 asbestos could cause injury, and said **ASBESTOS DEFENDANTS** knew that the users of  
26 asbestos and asbestos products, as well as members of the general public who were exposed to  
27 asbestos and asbestos products, would assume, and in fact did assume, that exposure to asbestos  
28

1 and asbestos products was safe, when in fact said exposure was extremely hazardous to human  
2 life.

3 20. With said knowledge, said **ASBESTOS DEFENDANTS** opted to manufacture and  
4 distribute said asbestos and asbestos products without attempting to protect users from or warn  
5 users of, the high risk of injury or death resulting from exposure to asbestos and asbestos products.  
6 Rather than attempting to protect users and workers from, or warn workers and users of, the high  
7 risk of injury or death resulting from exposure to asbestos and asbestos products, **ASBESTOS**  
8 **DEFENDANTS** intentionally failed to reveal their knowledge of said risk, fraudulently,  
9 consciously and actively concealed and suppressed said knowledge from members of the general  
10 public that asbestos and asbestos products were unsafe for all reasonably foreseeable use, with the  
11 knowledge of the falsity of said implied representations.

12 21. The above referenced conduct of said **ASBESTOS DEFENDANTS** was  
13 motivated by the financial interest of said **ASBESTOS DEFENDANTS** in the continuing,  
14 uninterrupted distribution and marketing of asbestos and asbestos products. In pursuance of said  
15 financial motivation, said **ASBESTOS DEFENDANTS** consciously disregarded the safety of the  
16 users of, and persons exposed to, asbestos and asbestos products, and were in fact, consciously  
17 willing to permit asbestos and asbestos products to cause injury to workers and users thereof, and  
18 persons exposed thereto, including Plaintiff.

19 22. As the above referenced conduct of said **ASBESTOS DEFENDANTS** was and is  
20 vile, base, willful, malicious, fraudulent, oppressive, outrageous, and in conscious disregard and  
21 indifference to the safety and health of workers exposed to asbestos and asbestos products,  
22 including Plaintiff, Plaintiff, for the sake of example, and by way of punishing said **ASBESTOS**  
23 **DEFENDANTS**, seeks punitive damages according to proof.

24 WHEREFORE, Plaintiff prays judgment against **ASBESTOS DEFENDANTS**, and each  
25  
26  
27  
28

1 of them, as hereafter set forth.

2 **SECOND CAUSE OF ACTION - STRICT LIABILITY**

3 AS AND FOR A SECOND, SEPARATE, FURTHER AND DISTINCT CAUSE OF  
4 ACTION FOR STRICT LIABILITY, PLAINTIFF COMPLAINS OF THE **ASBESTOS**  
5 **DEFENDANTS AND EACH OF THEM, AND ALLEGES AS FOLLOWS:**

6 23. Plaintiff realleges and incorporates herein by reference each of the proceeding  
7 paragraphs of this Complaint.

8 24. **ASBESTOS DEFENDANTS** and each of them, researched, manufactured, tested  
9 or failed to test, warned or failed to warn, designed, labeled, distributed, advertised, marketed,  
10 warranted, distributed, handled, installed, modified, scraped, inspected, repaired, offered for sale  
11 and sold a certain substance, the generic name of which is asbestos and other products containing  
12 said substance, which substance is defective, in that same was capable of causing and did, in fact,  
13 cause personal injuries, including mesothelioma and other lung damage, to the users and  
14 consumers thereof while being used in a reasonably foreseeable manner, thereby rendering the  
15 same unsafe and dangerous for use by consumers, users, bystanders and workers exposed thereto;  
16 said **ASBESTOS DEFENDANTS**, and each of them, further failed to adequately warn of the  
17 risks to which Plaintiff and others similarly situated were exposed.

18 25. At all times herein mentioned, the **ASBESTOS DEFENDANTS**, and each of them  
19 were aware that the original gaskets and packing supplied with their equipment would need to be  
20 removed and replaced with new gaskets and packing during ordinary operation and maintenance of  
21 their equipment. Heat and pressure generated by operation would affect the original and  
22 replacement gaskets and packing – e.g., making them brittle, friable and not reusable, making  
23 replacement necessary and dangerous. It was foreseeable that the process of removing old gaskets  
24 and packing, and replacing them with the new materials during ordinary maintenance operations  
25 would disturb the asbestos materials, releasing asbestos into the air.

26. As a direct and proximate result thereof, Plaintiff has suffered the injuries and

1 damages as previously set forth including those alleged in the First and Second Causes of Action,  
2 inclusive.

3 **THIRD CAUSE OF ACTION – LOSS OF CONSORTIUM**

4 AS AND FOR A FURTHER, THIRD, SEPARATE AND DISTINCT CAUSE OF  
5 ACTION FOR LOSS OF CONSORTIUM, PLAINTIFF PATRICIA PRIDDY COMPLAINS OF  
6 ASBESTOS DEFENDANTS AND EACH OF THEM AND ALLEGES AS FOLLOWS:

7 27. Plaintiff PATRICIA PRIDDY incorporates herein by reference and makes a part  
8 hereof as though fully set forth herein, in the First and Second Causes of Action of this Complaint.

9 28. Plaintiff PATRICIA PRIDDY is now, and at times herein mentioned, the lawfully  
10 wedded spouse of CARSON PRIDDY.

11 29. As a direct and proximate result of the acts of **ASBESTOS DEFENDANTS**, and  
12 each of them, as set forth and incorporated herein by reference, and the severe injuries caused  
13 thereby to CARSON PRIDDY as alleged in his Complaint, Plaintiff PATRICIA PRIDDY has  
14 suffered, and for a long period of time will continue to suffer loss of consortium, including but not  
15 by way of limitation, loss of services, marital relations, society, comfort, companionship, love and  
16 affection of her said spouse, and has suffered severe mental and emotional distress and general  
17 nervousness as a result thereof.

18 30. Plaintiff PATRICIA PRIDDY, as a result of the foregoing described injuries to her  
19 said spouse, has been generally damaged in a sum in excess of the jurisdictional limits of the  
20 Municipal Court.

21 WHEREFORE, Plaintiffs CARSON PRIDDY AND PATRICIA PRIDDY prays judgment  
22 against **ASBESTOS DEFENDANTS**, and each of them, as follows:

23 1. For Plaintiffs general damages according to proof;

24 2. For Plaintiff CARSON PRIDDY'S medical and related expenses according to  
25 proof;

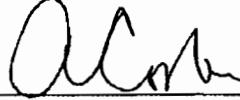
26 3. For Plaintiffs prejudgment interest according to proof, pursuant to Civil Code  
27 section 3288;

28 4. For loss of income according to proof;

1           5. For Plaintiffs costs of suit herein;  
2           6. For loss of care, comfort and society;  
3           7. As to those **ASBESTOS DEFENDANTS** named in the First Cause of Action, for  
4 exemplary or punitive damages according to proof; and  
5           8. For such other and further relief as this Court deems just and proper.

6 DATED: July 22, 2008

7           LEVIN SIMES KAISER & GORNICK, LLP

8           By: 

9           ANNA M. COSTA  
10           Attorney for Plaintiffs  
11           CARSON PRIDDY AND PATRICIA PRIDDY

1 **cc: Via Hand Delivery**  
2 Jeffrey A. Kaiser

3 LEVIN SIMES KAISER & GORNICK

4 44 Montgomery Street, 36th Floor

5 San Francisco, CA 94104

6 Tel (415) 646-7160

7 Fax (415) 981-1270

8 ATTORNEYS FOR PLAINTIFFS

9  
10 All Known Defense Counsel (via regular mail)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28